

## Coast Guard, DHS

## § 4.40-5

### Subpart 4.13—Availability of Records

#### § 4.13-1 Public availability of records.

Coast Guard records are made available to the public in accordance with 49 CFR part 7.

[CGD 73-43R, 40 FR 13501, Mar. 27, 1975]

### Subpart 4.19—Construction of Regulations and Rules of Evidence

#### § 4.19-1 Construction of regulations.

The regulations in this part shall be liberally construed to insure just, speedy, and inexpensive determination of the issues presented.

#### § 4.19-5 Adherence to rules of evidence.

As hearings under this part are administrative in character, strict adherence to the formal rules of evidence is not imperative. However, in the interest of orderly presentation of the facts of a case, the rules of evidence should be observed as closely as possible.

### Subpart 4.21—Computation of Time

#### § 4.21-1 Computation of time.

The time, within which any act, provided by the regulation in this subchapter, or an order of the Marine Board of Investigation is to be done, shall be computed by excluding the first day and including the last unless the last day is Sunday or a legal holiday, in which case the time shall extend to and include the next succeeding day that is not a Sunday or legal holiday: *Provided, however,* That where the time fixed by the regulations in this subchapter or an order of the Board is five days or less all intervening Sundays or legal holidays, other than Saturdays, shall be excluded.

### Subpart 4.23—Evidence of Criminal Liability

#### § 4.23-1 Evidence of criminal liability.

If, as a result of any investigation or other proceeding conducted hereunder, evidence of criminal liability on the part of any licensed officer or certifi-

cated person or any other person is found, such evidence shall be referred to the U.S. Attorney General.

[CGD 74-119, 39 FR 33317, Sept. 17, 1974, as amended by USCG-2004-18884, 69 FR 58341, Sept. 30, 2004]

### Subpart 4.40—Coast Guard—National Transportation Safety Board Marine Casualty Investigations

SOURCE: CGD 76-149, 42 FR 61200, Dec. 1, 1977, unless otherwise noted.

#### § 4.40-1 Purpose.

This subpart prescribes the joint regulations of the National Transportation Safety Board and the Coast Guard for the investigation of marine casualties.

[CGD 82-034, 47 FR 45882, Oct. 14, 1982]

#### § 4.40-3 Relationship to Coast Guard marine investigation regulations and procedures.

(a) The Coast Guard's responsibility to investigate marine casualties is not eliminated nor diminished by the regulations in this subpart.

(b) In those instances where the National Transportation Safety Board conducts an investigation in which the Coast Guard also has responsibility under 46 U.S.C. Chapter 63, the proceedings are conducted independently but so as to avoid duplication as much as possible.

[CGD 76-149, 42 FR 61200, Dec. 1, 1977, as amended by CGD 95-028, 62 FR 51195, Sept. 30, 1997]

#### § 4.40-5 Definitions.

As used in this subpart:

(a) *Act* means title III of Public Law 93-633, the Independent Safety Board Act of 1974, (49 U.S.C. 1131).

(b) *Board* means the National Transportation Safety Board.

(c) *Chairman* means the Chairman of the National Transportation Safety Board.

(d) *Major marine casualty* means a casualty involving a vessel, other than a public vessel, that results in:

(1) The loss of six or more lives;

(2) The loss of a mechanically propelled vessel of 100 or more gross tons;